

THE HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

Crl.P.No.2363 of 2019

ORDER

This criminal petition is filed under Section 482 of Cr.P.C., seeking to quash the proceedings in Cr.No.1419 of 2018 on the file of L.B.Nagar, L & O., Police Station, Rachakonda, Ranga Reddy District, against the petitioner/A3.

2. The petitioner contended that some of the residents of Sainagar Colony have made a complaint against her and other TRS workers alleging that they had committed the offences under Section 3(1)(r)(s) of SCs & STs (POA) Amendment Act, 2015 (for short 'the Act') and under Sections 323, 506 read with Section 34 IPC. The petitioner further contended that she is a woman, aged about 55 years and that none of the residents of said colony have stated anything against her in the FIR and that she never committed the aforesaid crime and she has been falsely implicated in the alleged offences. She further contended that since there is a bar from seeking anticipatory bail under the Act, she filed the present application seeking to quash the proceedings against her.

3. Learned counsel for the petitioner contended that the petitioner was already arrested and enlarged on bail and that there is a threat of her further arrest in the aforesaid crime. Thus, he prays to direct the Investigating Authority to follow the procedure contemplated under Section 41-A of Cr.P.C.

4. Learned Public Prosecutor submitted that before arresting the petitioner, the Investigating Authority shall follow the guidelines of the Apex Court in **Arnesh Kumar v. State of Bihar**¹ and also the procedure contemplated under Section 41-A of Cr.P.C., during the course of investigation and appropriate action shall be taken against the petitioner.

5. This Court, having considered the rival submissions and as the contention of the petitioner that the proceedings in the aforesaid crime are liable to be quashed cannot be accepted, is of the considered view that the Investigating Authority shall follow the guidelines of the Apex Court in **Arnesh Kumar's case** (1 supra) and shall follow the procedure contemplated under Section 41-A of Cr.P.C., before effecting arrest of the petitioner.

6. With the above observation, the Criminal Petition is disposed of.

7. Miscellaneous petitions, if any pending in this criminal petition, shall stand closed.

ABHINAND KUMAR SHAVILI, J

15th May, 2019

sj

¹ (2014) 8 SCC 273